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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,621	08/28/2003	Seiji Moriya	O3020.0347/P347	5297
24998	7590	08/29/2005	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP				NEGRON, DANIEL L
2101 L Street, NW				ART UNIT
Washington, DC 20037				PAPER NUMBER
				2651

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/649,621	MORIYA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Daniell L. Negrón	2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 03 May 2005.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-13 is/are pending in the application.  
 4a) Of the above claim(s) 1,2 and 9 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 3,4,10,11 and 13 is/are rejected.  
 7) Claim(s) 5-8 and 12 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 28 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 7/27/05.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on July 27, 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### *Election/Restrictions*

2. Applicant's election with traverse of Species II in the reply filed on June 3, 2005 is acknowledged. The traversal is on the ground(s) that it would not be a serious burden to continue examination of two additional claims. This is not found persuasive restriction is proper under 35 U.S.C 121 when separate status in the art is shown by different classification of distinct inventions (e.g. Group I (claims 1 and 2) and Group II (claims 3-13). Furthermore, regarding the patentably distinct species which are present in the claimed invention, MPEP 808.01 recites:

*-- Where there is no disclosure of relationship between species (see MPEP 806.04(b)), they are independent inventions and election of one invention following a requirement for restriction is mandatory even though applicant disagrees with the examiner. There must be a patentable difference between the species as claimed. See MPEP 806.04(h). Since the claims are directed to independent inventions, restriction is proper pursuant to 35 U.S.C. 121, and it is not necessary to show a separate status in the art or separate classification.*

The requirement is still deemed proper and is therefore made FINAL.

3. Claim 9 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species, there being no allowable generic or linking claim. The limitation

“...wherein the determination means determines a traveling quantity of the magnetic recording medium at the time of reading by the readout head on the basis of that position, in which a read voltage value is larger at both ends of that region of the magnetic recording medium, of which waveform is read by the readout head.” is not drawn to the elected Species II, disclosed in Figures 7-10, pages 23-34 of the specification.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 3, 4, 10, 11, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Sato et al U.S. Patent No. 6,141,161.

Regarding claim 3, Sato et al disclose a device for determining a coercive force of a magnetic recording medium, comprising conveyance (i.e. feeding) means for conveying the magnetic recording medium, traveling quantity detection means (i.e. photosensor) for detecting a traveling quantity of the magnetic recording medium (column 14, lines 11-19), a write head (121) for writing magnetic information on the magnetic recording medium at a plurality of different current values (via current output device 122) while the conveyance means conveys the magnetic recording medium in one direction (column 7, lines 25-35 and column 10, lines 25-27), a readout head (131) for reading magnetic information on the magnetic recording medium

conveyed by the conveyance means after the write head writes magnetic information on the magnetic recording medium, and determination means (123) for determining a coercive force of the magnetic recording medium on the basis of a voltage read by the readout head and a traveling quantity of the magnetic recording medium at the time of reading (column 10, lines 36-53 and column 11, lines 41-59).

Regarding claim 4, claim 4 has limitations similar to those treated in the above rejection of claim 3, and are met by the reference as discussed above. Claim 4 however also recites the following limitations further disclosed by Sato et al.

A device for determining a coercive force of a magnetic recording medium comprising a write current waveform storage means (30) for storing a waveform of a write current value of the write head varying relative to a traveling quantity (column 7, line 65 through column 8, line 14).

A determination means for determining a coercive force of the magnetic recording medium on the basis of a voltage read by the readout head, a traveling quantity of the magnetic recording medium at the time of reading, and time-variation of a write current value stored in the write current waveform storage medium, and wherein the write current changing means repeatedly changes the same waveform a plurality of times (column 2, line 60 through column 3, line 8).

Regarding claim 10, claim 10 has limitations similar to those treated in the above rejection of claim 3, and are met by the reference as discussed above. Claim 10 however also recites the following limitations further disclosed by Sato et al.

Write current changing means for changing a write current of the write head while the conveyance means conveys the write head in one direction (column 8, 30-34), reading control means for causing the conveyance means to convey the readout head after the write head writes magnetic information on the magnetic recording medium, and reading magnetic information on the magnetic recording medium, and determination means for determining a coercive force of the magnetic recording medium on the basis of a value, which the reading control means uses the readout head to read, and a traveling quantity of the readout head at the time of reading (column 8, lines 35-39).

Regarding claim 11, claim 11 has limitations similar to those treated in the above rejection of claim 4, and are met by the reference as discussed above. Claim 11 however also recites the following limitations further disclosed by Sato et al.

A device for determining a coercive force of a magnetic recording medium comprising , determination means for causing the readout head to read magnetic information of the magnetic recording medium, which is moved relative to the write head, after the write head writes magnetic information on the magnetic recording medium, and determining a coercive force of the magnetic recording medium on the basis of a voltage read by the readout head and a quantity of movement at the time of reading (column 4, lines 19-34).

Regarding claim 13, claim 13 has limitations similar to those treated in the above rejections, and are met by the reference as discussed above.

***Allowable Subject Matter***

6. Claims 5-8 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Prior Art***

Takita et al U.S. Patent No. 6,637,653 is cited as of interest for disclosure of a method for judging the coercive force in a magnetic recording device.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniell L. Negrón whose telephone number is 571-272-7559. The examiner can normally be reached on Monday-Friday (8:30am-5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DLN  
August 18, 2005

  
DAVID HUDSPETH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600